

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA

Case No. 5:96-cr-30056-1

v.

MEMORANDUM OPINION

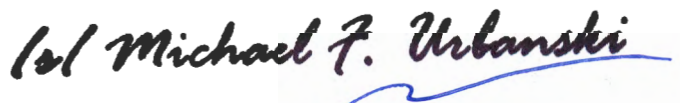
PATRICK FLOYD WILSON,
Petitioner.

By: Hon. Michael F. Urbanski
Chief United States District Judge

Patrick Floyd Wilson, a federal inmate proceeding pro se, filed a “request to correct illegal sentence” that the court construes as a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. Court records indicate that the court already dismissed a prior § 2255 motion in Wilson v. United States, 7:02cv00805, by which Petitioner could have raised the instant challenges about the life sentence, terms of supervised release, and consular relations. Thus, the § 2255 motion is a second or subsequent motion under 28 U.S.C. § 2255(h). Cf. United States v. Hairston, 754 F.3d 258, 262 (4th Cir. 2014).

The court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that a claim in the motion meets certain criteria. See 28 U.S.C. § 2255(h). As Petitioner has not submitted any evidence of having obtained that certification, the court dismisses the construed § 2255 motion without prejudice as successive. Based upon the court’s finding that Petitioner has not made the requisite substantial showing of denial of a constitutional right as required by 28 U.S.C. § 2253(c) and Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability is denied.

ENTER: This 31st day of July, 2017.



Chief United States District Judge